

91820



PATENT

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re U.S. Patent Application

Applicant: Alex LEVIT et al.

Serial No.: 10/812,321

Filed: March 29, 2004

For: LYER-3 NETWORK ROUTING WITH  
RPR LAYER-2 VISIBILITY

I hereby certify that this correspondence is being  
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Alexandria, VA, 22313-1450, on

August 24, 2004

  
Gerald T. Shekleton Reg. No. 27,466

INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

☒ 1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed:

(Check one of the boxes A-D)

☐ A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

☒ B. before the mailing date of a first office action on the merits..

☐ C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below).

(check one of the boxes "i" and "ii" below:)

☐ i. Counsel certifies that, upon information and belief, each item of information listed herein was either (a) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual

designated in 1.56(c) more than three months prior to the filing of this IDS.

☐ ii. A check for the fee set forth in 1.17(p), presently believed to be \$240, is enclosed (check no. \_\_\_\_\_).

☐ D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant petitions under 37 C.F.R. 1.97(d) for the consideration of this IDS. A check for the fee set forth in § 1.17(i), presently believed to be \$130 is enclosed (check no. \_\_\_\_\_). Counsel certifies that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS; or (ii) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

☐ 2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A and/or B and fill in blanks, if appropriate.)

☐ A. Document(s) \_\_\_\_\_ is (are) deemed substantially cumulative to document(s) \_\_\_\_\_ and in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.

☐ B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

[insert serial numbers and filing dates of prior applications]

Applicant identifies these documents by attaching hereto copies of the forms PTO-892 and PTO-1449 from the files of the prior application(s) or a fresh PTO- 1449 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.

☐ 3. Document(s) \_\_\_\_\_ is(are) not in the English language. In accordance with 1.98(c), Applicant states:

☐ An English translation of each document (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.

☐ A concise explanation of the relevance of document(s) \_\_\_\_\_ is found in the attached search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

☐ A concise explanation of the relevance of document(s) \_\_\_\_\_ is set forth as follows:

[Insert concise explanation of relevance]

☐ A concise explanation of the relevance of document(s) \_\_\_\_\_ can be found on page(s) \_\_\_\_\_ of the specification.

☐ A concise explanation of document(s) \_\_\_\_\_ can be found on the attached sheet.

4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

☐ 5. Other information being provided for the examiner's consideration follows:

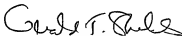
6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in § 1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

**CROSS REFERENCE UNDER 37 C.F.R. § 1.78 TO RELATED APPLICATIONS**

Pursuant to 37 C.F.R. § 1.78, Applicant notes that the above-identified patent application may be related to the following U.S. Patent Applications:

Respectfully submitted,

**WELSH & KATZ, LTD.**



Gerald T. Shekleton  
Registration No. 27,466

Dated: August 24, 2004

**Welsh & Katz, Ltd.**

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PTO/SB/08A & (04-03)

Approved for use through 04/30/2003. OMB 0551-0031  
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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 3

## Complete if Known

|                        |                   |
|------------------------|-------------------|
| Application Number     | 10/812,321        |
| Filing Date            | March 29, 2004    |
| First Named inventor   | Alex LEVIT et al. |
| Art Unit               | Unassigned        |
| Examiner Name          | Unassigned        |
| Attorney Docket Number | 91820             |

## U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No.†       | Document Number<br>Number-Kind Code‡ (§ 1.702) | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant<br>of Cited Document | Pages, Columns, Lines Where<br>Relevant Passages or Relevant<br>Figures Appear |
|--------------------|-----------------|--|--------------------------------|--|--|
| /P.J./             |                 | 3,411,507                                      | 11/19/1968                     | Wingrove   |  |
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|                    |                 | 6,026,326                                      | 02/15/2000                     | Bardy  |  |
| Examiner Signature | /Prenell Jones/ |  |                                | Date Considered                                    | 03/26/2008   |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.


\*Applicant's unique citation designation number (optional). †See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. ‡Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). §For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ¶Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. \*\*Applicant is to place a check mark here if English language Translation is attached.

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|   |   |                          |                   |
|---|---|--------------------------|-------------------|
| Substitute for form 1449/PTO  |   | <b>Complete if Known</b> |                   |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(use as many sheets as necessary) |   | Application Number       | 10/812,321        |
|   |   | Filing Date              | March 29, 2004    |
|   |   | First Named Inventor     | Alex LEVIT et al. |
|   |   | Art Unit                 | Unassigned        |
|   |   | Examiner Name            | Unassigned        |
| Sheet   | 2 | of                       | 3                 |
|   |   | Attorney Docket Number   | 91820             |

| U.S. PATENT DOCUMENTS (cont'd) |           |                 |                             |   |  |
|--------------------------------|-----------|-----------------|-----------------------------|---|--|
| Examiner Initials*             | Cite No.† | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear |
| /P.J./                         |           | 6,083,249       | 07/04/2000                  | Familoni  |  |
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| Examiner Initials*       | Cite No.† | Foreign Patent Document Country Code* Number* Kind Code* (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear | T* |
| /P.J./                   |           | WO 01/10375   |                             |   |  |    |
|                          |           |   |                             |   |  |    |
|                          |           |   |                             |   |  |    |

| NON PATENT LITERATURE DOCUMENTS  |              |  |  |    |
|--|--------------|--|--|----|
| Examiner<br>Initials*  | Cite<br>No.† | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.  |  | T* |
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|                    |                 |                 |            |
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| Examiner Signature | /Prenell Jones/ | Date Considered | 03/26/2008 |
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|--|-------------------|-------------------------------|----------------|
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| <b>Application Number</b>  |                   | <b>Filing Date</b>            |                |
|  | 10/812,321        |                               | March 29, 2004 |
| <b>First Named Inventor</b>  |                   | <b>Art Unit</b>               |                |
|  | Alex LEVIT et al. |                               | Unassigned     |
| <b>Examiner Name</b>   |                   | <b>Attorney Docket Number</b> |                |
|  | Unassigned        |                               | 91820          |
| <b>Sheet</b>   | <b>3</b>          | <b>of</b>                     | <b>3</b>       |

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|                           |                 |                        |            |
|---------------------------|-----------------|------------------------|------------|
| <b>Examiner Signature</b> | /Prenell Jones/ | <b>Date Considered</b> | 03/26/2008 |
|---------------------------|-----------------|------------------------|------------|

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